

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
AUGUST 10, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas, and Anthony W. Cobos. Late arrival: Paul J. Escobar at 9:33 a.m. Absent: None. Jose Alexandro Lozano left the meeting at 1:30 p.m. Meeting was called to order at 9:06 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATION

National Airborne Day

CERTIFICATE OF APPRECIATION

***Presentation of appreciation for Lela Ruck
by Representative Robert A. Cushing, Jr., District 2.***

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No action was taken on the discussion and action on a Motion directing Staff to develop a comprehensive plan/ordinance to preserve the natural state of all arroyos within the City limits. Staff shall make extensive use of citizen input in developing the plan/ordinance and shall review similar preservation efforts undertaken by other cities. Staff shall report back to City Council with their recommendations, together with a plan/schedule for implementation, within 180 days. [Richard Schechter]

Mr. Richard Schechter, citizen, explained that in 1993 the City Council approved an Ordinance addressing the preservation of arroyos, (Section 19.16.050, Subparagraph H). He suggested that the Council address future arroyo development.

Representative Cobos explained that in the near future he would be presenting an ordinance to the Council regarding arroyo development.

Mr. Schechter suggested that the City initiate a temporary freeze on building permits regarding construction within arroyos while Representative Cobos prepared his ordinance language.

Representative Austin explained that an arroyo preservation ordinance was long overdue and made suggestions as to language included in that proposed arroyo ordinance.

Representative Cobos suggested that the Council take no action on the item and added that he anticipated presenting his ordinance in approximately 90 days.

Regardless of any wording to the contrary above, the Planning Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing. [Richard Schecter]

Mayor Joe Wardy asked Mr. Matt Watson, Assistant City Attorney, to respond.

Mr. Watson explained that the City does not provide public notification regarding subdivision plats and explained the differences between zoning regulations and subdivision regulations. He added that the City notified residents within 300 feet of proposed zoning changes, in addition to, notifying Neighborhood Groups and posting of signs, well above the State statute requirements.

Mr. Rudy Valdez, Chief Urban Planner, explained that in 1997, the developer had applied for a special permit requiring the notification of nearby residents; however, he clarified that the new proposal was specifically for R-3 zoning change.

Representative Austin commented on providing public notification regarding zoning changes, setback changes, etc., and subsequent public hearings where comments of the abutting residents might alter the outcome, otherwise those efforts would be fruitless and frustrating. She provided additional information regarding the 1997 special permit hearing.

Mr. Charlie Wakeem, Coronado Neighborhood Association, stated that the City should notify all Neighborhood Associations with regard to any developments.

Dr. Kenneth Clark, Geology professor, defined arroyo according to the geologic dictionary.

Mr. Schecter requested that the Council take action and expand the notification requirements to include contested cases.

Representative Rojas asked Mr. Watson whether the City was precluded from expanding notification to residents regarding subdivision cases and added that she would be scheduling a Planning Legislative Review Committee meeting to discuss notification requirements.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented on the Neighborhood Recognition ordinance notification requirements.

Mayor Wardy stated that no action would be taken on the matter.

Addition to the Agenda Item 1: Resolution that the Ordinance adopted on August 3, 2004 (item #24C) vacating a portion of Pizarro Road adjacent to Lot 9, Block 59 and lot 13, Block 71, Coronado Hills, Unit 6, El Paso, El Paso County, Texas, required the written consent of Resler Interstate 10 Development Company, an abutting property owner, under Section 19.44.010-B of the El Paso City Code; and that City Council take all the necessary steps to enact an amending Ordinance rescinding the vacation of Pizarro Road. [Frank Ainsa, Jr.]

Representative Cobos moved to delete. There was no second.

Mr. Frank Ainsa, Jr., attorney representing Hunt Building Corporation and Resler Interstate 10 Development Co., spoke on the City's Ordinance regarding street vacations and obtaining the consent of abutting property owners.

Mr. Matt Watson, Assistant City Attorney, stated that any questions of the Council would be addressed in Executive Session.

Ms. Lisa A. Elizondo, City Attorney, added that a Resolution could not supersede or override an Ordinance.

Representative Cobos commented and moved to delete the item.

Representative Austin asked Mr. Watson whether the Pizarro Street vacation ordinance was void.

Representative Cook clarified that he would like to discuss the matter when Council retires into Executive Session at the end of the Council meeting.

1st Motion:

Motion made by Representative Cook, seconded by Representative Austin and carried to move into executive session the above item.

AYES: Representatives Austin, Lozano, Cook and Escobar

NAYS: Representatives Cushing, Power, Rojas and Cobos and Mayor Joe Wardy

Mayor Joe Wardy voted NAY. Motion to move the above item into executive session failed.

Representative Cushing asked Ms. Elizondo whether or not the Council could take action on the matter, based on the way in which the item had been posted. He asked Ms. Elizondo whether or not it would be appropriate to delete the item and have it brought forth in proper form.

Ms. Elizondo responded that Council could direct staff to prepare an Ordinance repealing the prior Ordinance. She opined that it would be appropriate to have the Council delete the item.

Representative Austin suggested that the Council take some vote on the matter following the Executive Session discussion.

2nd Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to consider with the above public comment the following two items simultaneously. The City Clerk read them into the record:

27A. Resolution approving Detailed Site Development Plan No. ZON03-00010, for Tract 16A1 and Tract 16A1A, A. F. Miller Survey No. 213, El Paso, El Paso County, Texas (East of Resler Drive and South of Mesa Street), pursuant to a special contract imposed by Ordinance No. 9198. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Hunt Building Corporation and Resler

REGULAR COUNCIL MEETING – AUGUST 10, 2004

AYES: Representatives Lozano, Cook, and Rojas
NAYS: Representatives Cushing, Power, Escobar, and Cobos
ABSTAINED: Representative Austin

At the outset of the agenda item, Representative Austin stated for the record that she was abstaining from the discussion and the vote on the item.

The motion failed 4 to 3.

Representative Austin explained that, as per the rules, she would have to abstain from decisions that involve the Homeless Coalition.

Representative Cook objected to Representative Austin's abstention explanation.

The following members of the public spoke:

Mr. Blake Barrow, local attorney and Director of the Rescue Mission since 1997, responded to issues raised by Mayor Wardy's letter dated August 6, 2004. Mr. Barrow explained that the Rescue Mission provides both economic opportunities and economic development to the homeless population such as a full-time job search director and the creation of a full-time furniture factory. He stated that the CDBG funding cuts greatly impact the Rescue Mission's ability to care for the homeless and added that homeless shelters such as the Opportunity Center would not be able to continue to meet the needs of the homeless.

Representative Cook asked Mayor Joe Wardy whether or not CDBG funds were the only source for economic development opportunities.

Mayor Wardy responded no.

Mr. Lynn Slater, Unitarian Universalist Community of El Paso church member, read from a prepared statement addressing the decision to shift CDBG Block Grant monies away from the homeless men, women and children, toward economic opportunities and the negative impact of that decision. He answered questions from and responded to comments made by Representative Cook.

Mr. Bill Schlesinger, Project Vida representative, asked that the Council Member revisit the inclusion of micro-enterprise support as part of the language under Economic Opportunity language as the current language primarily focused on employment preparation, whereas micro-enterprise support and development was a critical part of creating economic opportunity. He invited the Council Members to form an Economic Opportunity Task Force to include members of social service agencies, the Chambers of Commerce, Banks, Credit Unions, and other entities to discuss community wide strategies, including "best practices" for creating economic opportunity.

Mr. Stephen Mills, education coordinator at the Opportunity Center for the Homeless, explained that he cannot place individuals into schools if those individuals do not have a stable place to live.

Mr. Mike Breitingner, Executive Director of the El Paso Central Business Association and El Paso Downtown Management District, enumerated on the successes of the Opportunity Center for the Homeless and commented on the negative impact of cutting CDBG funds.

Mr. Ben Bass, Director of Recovery Alliance of El Paso, commented on the efforts of the Recovery Alliance to change people's lives and to create economically viable individuals.

Ms. Stephanie Dodson, Executive Director of the Child Crisis Center and Chair of the Homeless Coalition, thanked Representative Cook for the opportunity to revisit the matter. She requested that a Task Force be created to review the plan of equalized funding of the across the collaboratives and a 12 month period to review with the collaboratives, and the Steering Review Committee, to see what impact shifting the funding would have. She also requested that the Upper Rio Grande Workforce be included in those discussions, as they have a \$40 million economic development/economic opportunity budget. She reiterated her request for a 12-month reconsideration regarding equal funding for the collaboratives.

Representative Cook stated that the Opportunity Center for the Homeless was very near closing its doors on the weekend due to lack of funds. He commented on tourism efforts and an increase in homeless people living on the streets. He moved to restore the funding allocation levels for social service collaboratives back to the 2004-2005 levels. He said it would be best to instruct the Department of Community Development to organize a Task Force to do conduct a needs assessment and make recommendations to the Council for funding levels in the future.

Representative Power stated that he would support conducting the needs assessment study; however, he was opposed to the previous method used to allocate CDBG funds.

Representative Rojas stated that funding for the collaboratives was to be based on a needs assessment and added that Project Arriba and other economic opportunities/economic development received funding from other resources such as the Empowerment Zone and private sector entities. She asked Ms. Prise whether utilizing past funding allocations would be helpful in determining future funding amounts the collaboratives might receive and what the deadline might be with regard to the Community and Human Department conducting the needs assessment study.

Ms. Nathalie Prise, Interim Community and Human Development Director, presented a document (on file in the City Clerk's office) for the Council Member's information showing the amounts, percentages and the impact to the collaboratives for the 31st year of Community Development Block Grant funding, as approved by the Council Members on July 9, 2004. She recommended that the Council either move forward with the current determination or consider the requests from the agencies to delay that action. She answered questions from and responded to comments made by the Council Members.

Representative Cobos expressed his support regarding modifying CDBG fund amounts for the five collaboratives.

Representative Cushing suggested Representative Cobos schedule a Legislative Review Committee of the Whole meeting to further discuss the matter.

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Item: Discussion and action to instruct staff to review for the purpose of creating an ordinance requiring the permit registration of any and all businesses involved in the transporting of and the facilitating of liquid waste within the City of El Paso, and to bring this information to Mayor and Council within 30 days.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to direct staff to have El Paso Water Utilities, Solid Waste Management and the Health Department setup a task force to determine a solution to the liquid waste issue and to check liquid waste business permit issues within the city limits.

Representative Lozano requested that the City create a business ordinance and business license specific to transporting and facilitating liquid waste. He reiterated his recommendation that liquid waste haulers be required to obtain business permits.

Mayor Joe Wardy explained that the TCEQ had contacted Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, as it pertained to the Public Service Board and involved other entities, such as Solid Waste Management. He commented on the responsibility of the entity generating and properly disposing the waste.

Mr. Ben Arreola, El Paso Restaurant Association, gave background information relative to transporting and disposing liquid waste from local restaurants. He suggested that the Health Department examine the liquid waste manifests at the same time routine restaurant inspections are conducted. He added that 20% of food was consumed in restaurants; homeowners dispose of liquid waste through garbage disposals. He expressed his opposition to TCEQ placing the burden of removing and transporting the liquid waste on the restaurants.

Representative Power concurred with the suggestion that the Health Department examine the liquid waste manifests.

Representative Cushing moved to direct staff to have the involved parties, Water Utility, Solid Waste Management, and Health Department to set up a Taskforce to resolve the issue. He asked Ms. Ellen Smyth, Director of Solid Waste Management, to research identifying all stake holders and to compose a framework to be discussed at a future Solid Waste Management Legislative Review Committee meeting.

Ms. Smyth explained how Solid Waste Management tracked waste disposed in landfills and commented on the accounting of waste retrieved by collection agencies. She answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy requested that the Legal Department be contacted to provide the necessary legal research and advice.

Ms. Lisa A. Elizondo, City Attorney, noted that the City Attorney's office had no jurisdiction over the Health and El Paso Water Utilities.

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Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 1:30 p.m.

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Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 1:37 p.m.

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Motion made by Representative Cobos, seconded by Representative Austin, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the Minutes for the Regular City Council Meeting of August 3, 2004, and Special City Council Meetings of August 2, and August 4, 2004.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the Minutes for the Regular City Council Meeting of July 20, 2004.

Representative Lozano was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso Arts and Culture Department's 18th Revision of the Direct Funding Program Guidelines be approved, as recommended by the Arts and Culture Advisory Board and Staff.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso Arts and Culture Department's El Paso Festivals and Cultural Events Projects Funding Program Guidelines be approved, as recommended by the Arts and Culture Advisory Board and Staff.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application in the amount of \$10,000 on behalf of the Arts and Culture Department for submission to the Texas Commission on the Arts (TCA) and to sign the related contract and documents should funds be granted, either in the requested amount or at such lesser amount as may be approved by the TCA. This grant will be used to obtain consulting services for the drafting of a three-to five-year Strategic Plan for the Arts and Culture Department. All Districts.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and RAFAEL QUINONES & CELIA G. QUINONES for the purchase of Lot 6, (Replat 26 and 27), Block 7, STILES GARDEN, El Paso, El Paso County, Texas, also known as 315 Dodge Road, to be used as additional right-of-way related to the Hawkins Extension Project.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to sign on behalf of the City, an Amendment to a Local Transportation Project Advance Funding Agreement for the STP-Metropolitan Mobility Project known as Lee Trevino Extension Project in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Representative Rojas asked Ms. Teresa Quezada, Capital Development Program Administrator, what the additional funding amount would be.

Ms. Quezada responded that the City had applied for an Economically Disadvantaged Counties Adjustment noting that the City would be required to pay 10% of the match as opposed to the traditional 20%. She added that the State would cover the remaining 10% of the cost and noted that there will be a public hearing scheduled for Wednesday, August 18th, from 6:00 p.m. to 8:00 p.m. in the Ysleta High School cafeteria to discuss alternate traffic routes affected by the construction project.

Mayor Joe Wardy noted that the project had been delayed on several occasions due to right-of-way issues.

Representative Escobar commented that the biggest complaint was the length of time TXDOT has taken to complete the project, not the right-of-way acquisition issues.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above resolution.

Representative Lozano not present for the vote.

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***RESOLUTION**

**THE STATE OF TEXAS,
COUNTY OF EL PASO,
CITY OF EL PASO.**

WHEREAS, the El Paso Housing Finance Corporation (the Issuer) was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 395, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and

WHEREAS, the Issuer has determined to issue its Single Family Mortgage Revenue Refunding Bonds, Series 2004A and 2004B for the purpose of providing additional funding to certain qualified low and moderate income home buyers to afford the costs of acquiring and owning decent, safe, and sanitary housing to finance single family residences located within the City of El Paso, Texas, the purchase price of which does not exceed certain limits, and

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on July 16, 2004, at 9:00 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on July 16, 2004, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and

WHEREAS, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor=s Certificate, and deliver same to the Issuer.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of El Paso, Texas, that:

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
 2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor=s Certificate in the form attached as Exhibits to this Resolution and deliver same to El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event:	Seminar and lunch
Licensee:	Greater El Paso Chamber of Commerce
Date:	August 25, 2004
Time:	8:00 a.m. - 2:00 p.m.
Area(s):	Auditorium and Executive Dining Room
Charge for Space:	\$750.00
Charge for Staff (est):	-0-
Charge for Insurance:	\$48.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Reception
Licensee:	Mounce, Green, Myers Law Firm
Date:	August 26, 2004
Time:	6:00 p.m. - 8:00 p.m.
Area(s):	Special Events
Charge for Space:	\$1,500.00
Charge for Staff (est.):	\$320.00
Charge for Insurance:	(carry their own)
Rental of Furniture/Equipment:	\$50.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **SLI Engineering, Inc.**, for a project known as **"Montwood Street and Drainage Improvements"**, in an amount not to exceed ONE HUNDRED THIRTY-SIX THOUSAND FOUR HUNDRED TWENTY-FOUR and 09/100 DOLLARS (\$136,424.09).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **Ron Brown Architects**, for a project known as **"Ysleta and Henderson Health Centers"**, in an amount not to exceed THIRTY-ONE THOUSAND EIGHT HUNDRED EIGHTY and 75/100 DOLLARS (\$31,880.75).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **SLI Engineering, Inc.**, for a project known as "**Alabama Street Improvements**", in an amount not to exceed ONE HUNDRED TWENTY-FIVE THOUSAND THREE HUNDRED TWO and 31/100 DOLLARS (\$125,302.31).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Contract of Sale between the **CITY OF EL PASO** and **SIERRA BLANCA VOLUNTEER FIRE DEPARTMENT**, **HUDSPETH COUNTY, TEXAS** for the sale of one 1978 4x4 Pierce Mini-Pumper 1 Ton Fire Truck and one 1987 Ford ¾ Ton Flatbed Truck with Skid-Mounted Darley Pump, Air Compressor and Tank at a sale price of **FIFTEEN THOUSAND DOLLARS AND NO/100 CENTS (\$15,000.00)**.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone two (2) week a Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SUSANA C. SALAS**, to assist the Mayor and City Council as a Secretary I at an hourly rate of \$9.97 for 40 hours per week. The term of the contract shall be for the period of July 28, 2004 through June 14, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract amendment between the **CITY OF EL PASO** and **BLANCA M. GONZALEZ**, to add fringe benefits to the contract. As a full time contractor, eligibility for fringe benefits is standard.

NOTE: Contract was revised to delete the last sentence of paragraph 3B in the contract.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT 502214

1. CONTRACTOR: Joshua Allen Avery, Referee for Soccer & Basketball
DATES: September 01, 2004 through August 31, 2005
RATE PER HR: \$5.90
CONTRACT NO: **2004/2005-035**
2. CONTRACTOR: Rebecca Becerra, Aerobic Instructor
DATES: September 01, 2004 through August 31, 2005
RATE PER HR: \$15.70
CONTRACT NO: **2004/2005-036**

3. CONTRACTOR: Ricardo Lerma, Boxing Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$10.30
 CONTRACT NO: **2004/2005-037**
4. CONTRACTOR: Virginia Quinonez, Aerobic Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$10.30
 CONTRACT NO: **2004/2005-038**
5. CONTRACTOR: Maria Isabel Reyes, Folklorico Dance Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$10.30
 CONTRACT NO: **2004/2005-039**
6. CONTRACTOR: Lujana Romo, Ballet Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$10.30
 CONTRACT NO: **2004/2005-040**
7. CONTRACTOR: Consuelo Sanchez, Body Toning Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$8.80
 CONTRACT NO: **2004/2005-041**
8. CONTRACTOR: Richard Velez, Kung Fu Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATE PER HR: \$9.55
 CONTRACT NO: **2004/2005-042**
9. CONTRACTOR: Jesus Manuel Vargas, Scorekeeper
 DATES: September 01, 2004 through August 31, 2005
 RATES PER HR: \$5.90
 CONTRACT NO: **2004/2005-043**

MULTI-PURPOSE COMMUNITY CENTER
DEPARTMENT ID: 51510032, ACCOUNT: 502214

10. CONTRACTOR: Arturo Saldana, Guitar Instructor
 DATES: September 01, 2004 through August 31, 2005
 RATES PER HR: \$12.00
 CONTRACT NO: **2004/2005-044**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to send thirty (30) day written notice to Cutter Aviation El Paso, Inc. to terminate the sublease agreement as referenced in Article I., Section 1.02 of the sublease agreement by and between the City of El Paso and Cutter Aviation El Paso, Inc., relating to the Non-Commercial Aviation Ground Lease dated June 1, 1994 for the real property located at Lot 28, Block 4, El Paso International Airport Tracts Unit 2, and Lots 29 and 30, Block 4, El Paso International Airport Tracts Unit 1, for the sublease of a hangar for use by the Police Department for the period of December 1, 2003 through November 30, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the Wilma Donohue Moleen Foundation, in the amount of \$9,686, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the Hervey Foundation, in the amount of \$9,686, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer, who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the R.D. & Joan Dale Hubbard Foundation, in the amount of \$14,530, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the Burkitt Foundation, in the amount of \$14,530, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the Marlene & J.O. Stewart Jr. Foundation, in the amount of \$14,530, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer, who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the Cimarron Foundation, in the amount of \$14,530, for the purpose of paying a portion of the salary and benefits for one full-time Youth Offender Project coordinator and one police officer who assist juvenile offenders and at-risk youth to pursue higher educations and careers. Matching funds are not required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
8210 Carpenter Road	\$168.87	\$65.19	\$234.06

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the grant application and related documents for the certified grant from Dell Computer Inc. for a grant in the amount of \$10,000.00 to set up a One Day Event at the Citizen Collection Sites on November 15, 2004 in conjunction with Texas Recycles Day to recycle electronic components from the community. The In-Kind Services required for this grant is \$1,458.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, pursuant to applicable federal regulations, be authorized to sign Representations and Certifications from the Environmental Protection Agency (EPA) regarding disposal services at McCombs Landfill.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BRENT PEARSON**, to assist the Streets Department as an Arborist, at a biweekly rate of \$1,488.59 for 40 hours per week. The term of the contract shall be for the period of August 13, 2004 through August 12, 2005. Contract is subject to the concurrence of the Civil Service Commission.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Library Information Specialist I (1)

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A.** Automotive Service Worker II (1)
- B.** Library Information Supervisor (1)

Representative Lozano was not present for the vote.

NOTE: "Library Information Supervisor" was revised from "Library Information Manager".

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to appoint Aurora Valverde to the Mayor's Advisory Board on Aging by Mayor Joe Wardy.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to appoint Tanny Berg to the International Bridge Commission by Representative Austin, District 1.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve installation, power, and maintenance of residential street lights at the following locations:

- A.** Between 11808 and 11212 Jim Thorpe Dr. Cost: \$1,200
- B.** Between 11432 and 11436 Tom Ulozas Dr. Cost: \$1,200

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

Representative Lozano was not present for the vote.

- A.** PID #'s H487-000-0140-0600 & H487-000-0140-0700, \$195.94 per month installments on a balance of \$2,351.28 for 1995, 1996, 1997, 1998, 1999, 2000 & 2002 taxes; Armando Armas – No address Assigned.
- B.** PID #R330-999-0050-0700, \$431.92 per month installments on a balance of \$2,591.52 for 2001, 2002, & 2003 taxes; George Wheeler – 5204 Marietta.
- C.** PID #1997-999-2731-0034, \$748.66 per month installments on a balance of \$8,983.92 for 2002 & 2003 taxes; Hobart Sales & Service % GCOR, Inc. – 6596 Montana.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the following tax refund be approved:

Representative Lozano was not present for the vote.

UPS Supply Chain Solutions, Inc. in the amount of \$3,952.37 overpayment of 2003 taxes.
(PID #1995-999-0846-0042)

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request to allocate \$250.00 from District I discretionary funds to assist with the Neighborhood Summit to be held on August 28, 2004, conducted by the City of El Paso's Neighborhood's First initiative.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone two (2) weeks the request authorizing to allocate \$2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to authorize to disburse \$250 from District 3 Discretionary Funds to assist in the "Neighborhood Summit" which will be conducted by the City Neighborhood's First Initiative on August 28, 2004 at the University of Texas at El Paso.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to authorize to disburse \$3,651.00 from District 3 Discretionary Funds to provide Seville Community Center with a 20x20x9 standard pyramid shade port, thus providing better and expanded usage of the center.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request authorizing to allocate NINE HUNDRED EIGHTY-TWO DOLLARS (\$982.00) from District #4 Discretionary Funds Account to install park benches at Dolphin Terrace Park.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to authorize to allocate \$500 from District No. 6 Council Special Projects (discretionary funds) for one tool shed for Keep El Paso Beautiful Community Tool Sheds Program.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to authorize use of District VII discretionary funds in the amount of \$250.00 to assist with the "Neighborhood Summit" to be held on August 28, 2004, conducted by the City of El Paso's Neighborhood's First initiative.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to delete the request authorizing to allocate \$1,699.00 from District #7 Discretionary Funds to install an intermediate pole between 552 & 554 Riverview and go overhead to corner.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the Director of Purchasing be authorized to issue a Purchase Order to EMSysystem in the amount of \$27,184.88 EMSysystem is the sole provider of a web based Ambulance/Hospital Diversion & Event Management application. Contract No. 2003-218, Contract term September 1, 2004 through August 31, 2005 and/or any extension thereof.

Additional, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.

Award amount is \$27,184.88
Funds available in: 41150023-06086-502215 Grant G410425
 Miscellaneous Health Grants – Public Health Prep F04–Outside Contracts
Department: Health Environmental District

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-205R Performance Auditing Services for Delinquent Tax Collection Service Contract

Award to: Lauterback, Borschow & Co., P.C.
 El Paso, Texas
Item (s): All
Amount: \$29,000.00
Department: Office of Management and Budget
Funds available: 99011273-01101-505413
Funding source: Office of Management & Budget - Operating Funds Special Items
Total award: \$29,000.00

The review committee for the Award of Performance Auditing Services For Delinquent Tax Collection has met and reviewed the responsive Proposals that were received. It is the recommendation of the committee to award the RFP to this firm. The proposal response addressed the scope and intent of the RFP.

Additionally, random companies were selected from the list that had expressed interest in the RFP to determine why they did not submit responses. Most companies declined to submit a proposal.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-163 Basketball Court Rehabilitation III, Estrella Rivera & Mary Webb Parks

Contractor: JMZ Contractors, Inc.
 El Paso, Texas 79936
Department: Parks & Recreation
Funds available: 71150069-G7129CD0035-07776-508027
 71150069-G7129CD0037-07778-508027
Funding source: Community Development-CDBG Grant
Item (s): Base Bid I \$63,000.00
 Base Bid II \$21,000.00
Total award: \$84,000.00

The Departments of Purchasing, Engineering, Community Development and Parks & Recreation recommend the award of this contract to JMZ Contractors, Inc. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded Representative Austin and unanimously carried to award Bid No. 2004-183 Zaragosa Port of Entry Weight Scale

Contractor: J&J General Contracting, Inc.
El Paso, Texas

Department: Street Department

Funds available: 31260001-PPWBR03006-60609-508027
32000082-PPWBR03006-43001-508027

Funding source: FY03 Certificates of Obligation and Bridge Revenue Bonds

Item(s): Base Bid \$127,071.07

Total award: \$127,071.07

The Departments of Purchasing, Engineering and Streets, recommend the award of this contract to J&J General Contracting, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-202 Compactor Rental (Refuse Service)

Award to: El Paso, Disposal, LP
El Paso, TX

Item (s): All

Amount: \$16,125.00 (estimated)

Department: Department of Aviation

Funds available: 62620005-502204-40101

Funding source: Airport Operating Fund

Total award: \$16,125.00 (estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated to the sole responsive offer that was received.

This is a twelve (12) month requirements-type Contract for the El Paso International Airport.

Vendor offers the City the option of extending the term of the contract for twelve (12) or twenty-four (24) additional months at the same unit prices, if the option is exercised within one (1) year from the date of award of the contract.

Vendor does not offer a prompt payment discount.

The Contract will officially begin at 12:01 A.M., September 1, 2004.

Representative Lozano was not present for the vote.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the Bid No. 2004-211 TASER Weapons and Accessories.

Mr. Sal Gomez, citizen, spoke in opposition to the purchase of TASER weapons and commented on the abuse of deadly force utilized by El Paso Police Officers. He suggested that the monies be utilized to maintain police vehicles, purchase additional flak jackets and substitute additional training for Police Officers.

Mayor Joe Wardy noted that El Paso was the second safest City of our size in the United States and utilizing TASER weapons, in lieu of the use of deadly force, have proven instrumental in protecting the public and police officers.

Representative Escobar commented that TASER weapons had reduced the number of lawsuits filed against the City.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to award Bid No. 2004-211 TASER Weapons and Accessories

Award to:	TASER International, Inc.	
	Scottsdale, AZ	
Item (s):	All	
Amount:	\$299,181.30	
Department:	Police	
Funds available:	508007-16371-21150060-P500231	
	(Confiscated Funds)	
	508007-29209-04200401-PMB0005009	
	(Capital Funds)	
Funding source:	Federal Confiscated Funds	\$149,590.65
	Capital Funds	\$149,590.65
Total award:		\$299,181.30

The Police and Purchasing Departments recommend award as indicated to the sole responsive, responsible offer meeting specifications, which was submitted by TASER International Inc.

This is a requirements type contract with an initial term of twenty-four (24) months. Vendor offers the City the option to extend the term of the contract at the same prices for two (2) additional years if the option is exercised within two (2) years from the date of award.

2% prompt payment discount offered if paid within 10 days.

Representative Lozano was not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-213 Fotonovelas, Revistas, & Spanish Language Magazines

Award to: Mexico Magazine Distribution
El Paso, Texas
Item (s): #1 (all)
Amount: \$25,000.00 (estimated annually)

Department: Library
Funds available: 31130563-508039-PPW0056003YR2-60005
Funding source: Books and Materials
Total award: \$75,000.00 (estimated)

The El Paso Public Library and Purchasing Departments recommend award as indicated to the sole responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 4% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-217 Channel #1 Fence

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas 79925

Department: Engineering
Funds available: 14200402-PBE04FC103-29113-508027
Funding source: 2004 General Obligation Bond
Item (s) Base Bid \$102,000.00
Total award: \$102,822.00

The Department of Purchasing and Engineering recommend the award of the Base Bid of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-220 PTO Parts & Service

Award to: G.O.T. Supply, Inc.
El Paso, Texas
Item (s): Part A, Part B, & Part C
Amount: \$25,000.00 (estimated annually)

Department: Fleet Service
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$75,000.00

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-223 Universal Joints & Related Products

Award to: Main Auto Parts
El Paso, Texas
Item (s): Group I, item #1, Group II, item #1
Amount: \$25,000.00 (estimated annually)

Department: Fleet Service
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$75,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2% ten (10) days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Bid No. 2004-224 Proprietary Parts & Service-Komatsu

Award to: Road Machinery Co.
El Paso, Texas
Item (s): Part A, #1 & 1A, Part B (all)
Amount: \$100,000.00 (estimated annually)

Department: Fleet Service
 Funds available: 37370510-503121-45202
 Funding source: Fleet Service Internal Service Fund
 Total award: \$300,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the sole responsive offer meeting specifications, from responsible parties.

No options offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-989 NON-DEPARTMENTAL

To cover tuition reimbursement costs until the end of the year.

Increase	\$42,000	to	09010030/01101/504424	Tuition Reimb
Decrease	\$42,000	from	99010273/01101/504405	OperCntgncy

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-1028 AIRPORT

Transfer of funds to cover the cost of repair work to jet bridges at the airport to include canopies, flashing, drive motors, tires and routine maintenance and inspection.

Increase	\$35,000	to	62620005/40101/502226	BldgFacMaint
Increase	\$35,000	to	62620005/40101/407001	Intrfd Trf In
Increase	\$35,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$35,000	to	62620018/P50000241021/507001	IntrfdTrfOut

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-1036 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$126,523 within the Zoo Parking Garage project to realign the project budget to fund purchase orders and to appropriate \$345,210.07 from a Zoo Parking Garage Land Acquisition project to the Zoo Parking Garage construction project to fund purchase orders. Funding source is 2000 QOL bonds.

Decrease	\$ 25,210.07	from	31130614/PPW005700860072/508000	Land
Increase	\$ 25,210.07	to	14101003/PQLZO10360303/407001	IntrfdTrf(S)
Increase	\$ 25,210.07	to	31130614/PPW005700860072/507001	IntrfdTrf(U)
Increase	\$ 25,210.07	to	14101003/PQLZO10360303/508009	Furn&Fix
Decrease	\$150,000.00	from	31130614/PPW005700860072/508024	Testing
Increase	\$150,000.00	to	14101003/PQLZO10360303/407001	IntrfdTrf(S)
Increase	\$150,000.00	to	31130614/PPW005700860072/507001	IntrfdTrf(U)
Increase	\$150,000.00	to	14101004/PQLZO10360303/508024	Testing

Decrease	\$170,000.00	from	31130614/PPW005700860072/508027	Construction
Increase	\$170,000.00	to	14101004/PQLZO10360303/407001	IntrfdTrf(S)
Increase	\$170,000.00	to	31130614/PPW005700860072/507001	IntrfdTrf(U)
Increase	\$170,000.00	to	14101003/PQLZO10360303/508027	Construction
Increase	\$ 25,000.00	to	14101003/PQLZO10360303/508009	Furn&Fix
Increase	\$ 93,038.00	to	14101003/PQLZO10360303/508027	Construction
Increase	\$ 8,485.00	to	14101003/PQLZO10360303/508050	Design
Decrease	\$117,273.00	from	14101003/PQLZO10360303/508024	Testing
Decrease	\$ 9,250.00	from	14101003/PQLZO10360303/508022	Administration

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-1046 PARKS AND RECREATION

This transfers existing appropriations to fund increased expenses for irrigation water in Land Management.

Increase	\$ 2,000	to	51010262/01101/504101	Water
Decrease	\$ 2,000	from	51010256/01101/503111	CleaningSup
Increase	\$12,000	to	51010262/01101/504101	Water
Decrease	\$12,000	from	51010256/01101/503116	RecSup
Increase	\$ 408	to	51010262/01101/504101	Water
Decrease	\$ 408	from	51010256/01101/503120	Uniform& Appl
Increase	\$ 1,500	to	51010262/01101/504101	Water
Decrease	\$ 1,500	from	51010256/01101/503121	InvtryPurchase
Increase	\$ 5,500	to	51010262/01101/504101	Water
Decrease	\$ 5,500	from	51010256/01101/503122	MaintPts&Sup
Increase	\$ 1,500	to	51010262/01101/504101	Water
Decrease	\$ 1,500	from	51010256/01101/503206	OfficeEqMaint
Increase	\$ 2,000	to	51010262/01101/504101	Water
Decrease	\$ 2,000	from	51010256/01101/504414	Prof License
Increase	\$ 1,000	to	51010262/01101/504101	Water
Decrease	\$ 1,000	from	51010256/01101/503101	Min OfficeEq
Increase	\$15,730	to	51010262/01101/504101	Water
Decrease	\$15,730	from	51010256/01101/502212	Security
Increase	\$10,800	to	51010262/01101/504101	Water
Decrease	\$10,800	from	51010262/01101/502212	Security

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-1097 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$26,877.08 to fund construction of the Zaragosa POE Weight and Motion Scales. Funding source is previously issued revenue bonds.

Increase	\$24,106.37	to	32000082/PPWBR0300643001/508027	Construction
Increase	\$ 1,270.71	to	32000082/PPWBR0300643001/508051	PrgMgmt
Increase	\$ 1,500.00	to	32000082/PPWBR0300643001/508024	Testing
Increase	\$26,877.08	to	32000082/PPWBR0300643001/407002	EstRev

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2004-1116 POLICE

This transfer will place additional funding in accounts that have excess expenditures posted to them.

Decrease	\$8,400.00	from	21010071/01101/502400	Bldg Lses
Increase	\$8,400.00	to	21010059/01101/502304	Mailrm Chgs
Decrease	\$ 13.21	from	21010060/01101/503107	Photography
Increase	\$ 13.21	to	21010052/01101/503107	Photography
Decrease	\$ 43.81	from	21010071/01101/504201	TvlEmployees
Increase	\$ 43.81	to	21010059/01101/504203	TvlMileage

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the following Building Services - refunds:

- A. Building Permit refund to James Dewane in the amount of \$60.00.
- B. Building Permit refund to Jimmie J. Medina in the amount of \$550.00.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to delete the request of Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be located East of Cincinnati/Mesa & 2 speakers will be located north of Cincinnati/ Mesa) on August 28, 2004, September 11, 2004, September 12, 2004, and October 31, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 20 persons will take part and 4,500 spectators are anticipated. PERMIT NO. 04-070 [Kenneth Rico Velasquez]

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Rim-University Neighborhood Association to block off 700 Block of Blacker Ave. between Ochoa and Virginia St. on September 12, 2004 from 5:30 p.m. to 8:30 p.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 04-073 [E.R. Lilly]

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Mision Iglesia Universal de Jesuscristo to use amplification (2 microphones, 2 speakers, 1 mixer, 1 set of drums, 1 guitar, 1 organ and 1 base) at the Boys Club Park-811 S. Florence on August 14, 2004 and August 15, 2004 from 7:00 p.m. to 9:00 p.m. Approximately 15 persons will take part and 45 spectators are anticipated. PERMIT NO. 04-078 [Raul Raygoza]

Representative Lozano was not present for the vote.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to postpone one (1) week the introduction of an Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Delete Subsection Identifying The Speed Limit As Thirty-Five Miles Per Hour On Glengarry Avenue from McRae Boulevard to Darlina Drive. The Penalty Is As Provided In Section 12.84.010 of The El Paso Municipal Code.

Representative Lozano was not present for the vote.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Austin was not present for the vote.

- A. An ordinance granting a special privilege to AT&T Corporation permitting the encroachments onto public rights-of-way with two (2) one point nine inch (1.9") subsurface Inner-ducts (PVC pipes), two (2) subsurface Four Foot by Four Foot (4"X4") concrete manholes, and, one (1) subsurface three quarter inch (3/4") fiber optic cable along Magoffin Avenue between Ochoa Street and Campbell Street, Ochoa Street between Magoffin Avenue and Myrtle Avenue, and along Myrtle Avenue between Ochoa Street and Campbell Street. (SP-04021, Total Annual Fee: \$2,640.00)
- B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule I -- One-Way Streets) To add a new location on Boston Avenue, Westbound from Campbell Street to Kansas Street.
- C. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add New Locations on Geranium Drive from Zaragoza Road to a Point 200 Feet East, Both Sides and On Cristo Viene Drive From Zaragoza Road to a Point 150 Feet West, Both Sides. The Penalty Being as Provided in Section 12.84.010 of the El Paso Municipal Code.
- D. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add A New Location on Lee Elder Drive From Montwood Drive to a Point 280 Feet North, Both Sides. The Penalty Being as Provided In Section 12.84.010 Of The El Paso Municipal Code.
- E. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add New Locations On Robert Wynn Street From Montwood Drive to a Point 210 Feet North, Both Sides. And On Robert Wynn Street from Montwood Drive to a Point 370 Feet South, Both Sides. The Penalty Being as Provided in Section 12.84.010 Of The El Paso Municipal Code.
- F. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection K (Speed Limits On Interstate Highway 10) Of The El Paso Municipal Code, To Temporarily Reduce The Existing Speed Limit of 60 M.P.H. To 50 M.P.H. On IH-10, Both Directions From Executive Center to US 62/180 (Paisano Drive) For the Duration of The IH-10 From Executive Center to US 62/180 (Paisano) Construction Project. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- G. An ordinance amending Ordinance 8064, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government.
- H. An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government.
- I. An Ordinance amending Ordinance No. 14171, to redesignate the officer for public information for the City of El Paso; and to clarify the application of the charges set forth in Ordinance No. 14171.
- J. An Ordinance repealing Ordinance Nos. 15529 and 15185 and establishing a new Ordinance that creates and establishes the duties of the Building and Planning Services Department.

- K. An Ordinance repealing Ordinance Nos. 15546 and 15186 and establishing a new Ordinance that creates and establishes the duties of the Municipal Services Department.
- L. An Ordinance repealing Ordinance Nos. 15531, 15239 and 15184 and establishing a new Ordinance that creates and establishes the duties of the Financial and Administrative Services Department.
- M. An Ordinance repealing Ordinance Nos. 15530 and 15187 and establishing a new Ordinance that creates and establishes the duties of the Quality of Life Services Department.
- N. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); Section 2.92.050 (Standards of Conduct) to change the reference to the Chief Administrative Officer to the City Manager; the penalty being as provided in Sections 2.92.090 and 1.08.010 - 1.08.030 of the El Paso Municipal Code.
- O. An Ordinance to Amend Title 15 (Public Services), by amending Chapter 15.08 (Street Rentals), Section 15.08.012 (Application for Franchise) to revise Subsection 15.08.012.A; and Section 15.08.013 (Assignment of Franchise), to revise Subsection 15.08.013A, to change the references to the position of Chief Administrative Officer to the City Manager.
- P. An Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention); Section 18.60.420 (Designation of the Floodplain Administrator), Section 18.60.430 (Duties and Responsibilities of the Floodplain Administrator), Section 18.60.440 (Duties and responsibilities of the Deputy Chief Administrative Officer) and Section 18.60.450 (Duties and Responsibilities of the Street Director) of the El Paso Municipal Code.
- Q. An Ordinance establishing the functions of the Department known as the City Manager's Office.
- R. An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying 21,000 square feet, more or less, being Lots 1-6 and the South 19 feet of Lot 7, Block 198, Campbell Addition, El Paso, El Paso County, Texas, and commonly referred to as 210 S. Campbell St., El Paso, El Paso County, Texas, to the County of El Paso.

PUBLIC HEARING WILL BE HELD ON AUGUST 24, 2004 FOR ITEMS A – R

- S. An Ordinance changing the zoning of a portion of Tract 3, Block 3, Picnic Grove Subdivision, El Paso, El Paso County, Texas (9725 Alameda Avenue) from M-1/sc (Light Manufacturing/special contract) to C-4/sc (Commercial/special contract). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo Martinez. ZON04-00082.
- T. An Ordinance changing the zoning of West 50' of Lot 30, Block 7, Magoffin Homestead Addition, El Paso, El Paso County, Texas (1127 East San Antonio Avenue) from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Alberto J. De La Chica, Jr. ZON04-00085.

PUBLIC HEARING WILL BE HELD ON AUGUST 31, 2004 FOR ITEMS S – T

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action on a tourism budget proposal for billboards, brochures, signage, and bus wraps.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action that the City of El Paso partner with the Empowerment Zone on the development of Texas Avenue as a tourism district, and instruct staff to prepare proposal(s) to be presented to city council within 180 days.

Representative Lozano was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the El Paso County 911 District FY04-05 budget.

Mr. Joseph Lorkowski, Director of El Paso County 911 District, was present to answer questions the Council Members may have.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, stated he had met with the 911 District personnel and reviewed the budget.

Representatives Lozano and Rojas were not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve Conditional "B" building permits for Columbia North Subdivision on the finding of economic hardship.

Representative Lozano was not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, presented the item to the Council.

Mr. Ray Mendes, P.E., Conde Incorporated representative, requested that the Council approve Conditional "B" building permits on behalf of Southwest Land Development on the basis of economic hardship.

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Twenty Three on the finding of economic hardship.

Representative Lozano was not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, presented the item to the Council.

Mr. Ray Mendes, P.E., Conde Incorporated representative, requested that the Council approve Conditional "B" building permits on behalf of Southwest Land Development on the basis of economic hardship.

.....
Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Twenty Eight on the finding of economic hardship.

Representative Lozano was not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, presented the item to the Council and explained that the Engineering Department would allow the construction of the school in conjunction with the developer paving the streets and providing the necessary public improvements.

Mr. Ray Mendes, P.E., Conde Incorporated representative, requested that the Council approve Conditional "B" building permits on behalf of Southwest Land Development on the condition of economic hardship.

Representative Power stated for the record that he was opposed to Certificates of Occupancy being granted for schools before all surrounding roads are paved.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week a Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership
.....

RESOLUTION

WHEREAS, the University of Texas System (University of Texas at El Paso) owns and has facilities located adjacent to Sun Bowl Drive located within the City of El Paso; and

WHEREAS, the University of Texas System (University of Texas at El Paso) has requested that the City of El Paso initiate a street vacation application for portion of Sun Bowl Drive to provide continuity with current vacated portion of Sun Bowl Drive;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

THAT the El Paso City Council hereby authorizes the Planning, Research and Development Director to sign and submit City-initiated street vacation application for portion of Sun Bowl Drive.

Mr. Rudy Valdez, Chief Urban Planner, explained that the University of Texas at El Paso ("UTEP") had requested that a portion of Sun Bowl Drive be vacated and added that the street would not be closed at either but would remain open as it is today. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy added that UTEP had provided a premium site for the Mesa Street Transit Terminal.

Representative Austin asked whether or not El Paso Police officers would have jurisdiction on Sun Bowl Drive as the street would now become a private.

Representative Cushing asked whether or not UTEP would be permitted to install a guardhouse on Sun Bowl to restrict access to the public and requested that information be included in the vacation language.

Assistant Police Chief Paul Cross opined that police officers would have enforcement powers on Sun Bowl Drive.

Representative Austin requested that a memo be provided to the Council Members addressing enforcement powers of the El Paso Police Department at the time of the vacation ordinance public hearing.

Mr. Matt Watson, Assistant City Attorney, stated he would provide that memo to the Council.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above resolution.

Representative Lozano was not present for the vote.

.....
Motion made by Representative Rojas, seconded by Representative Cook and carried to award Bid No. 2004-178 Lower Valley Branch Library

AYES: Representatives Austin, Cook, Power, Escobar, Rojas, and Cobos
NAYS: Representative Cushing
NOT PRESENT: Representative Lozano

Contractor:	Banes General Contractors, Inc.	
	El Paso, Texas	
Department:	Library	
Funds Available:	31130562-60004-PPW0056006YR2-508027	
Funding Source:	2000 Quality of Life Bonds	
Items:	Base Bid I	\$2,130,000.00
	Alternate 7 to Base Bid I	<u>\$ 6,900.00</u>
Total Award:		\$2,136,900.00

The Departments of Purchasing, Engineering, and Library recommend award of this contract to Banes General Contractors, Inc. City Council hereby finds that this Offeror has provided the Best Value Proposal to the City. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

The following speakers addressed the bidding process as it related to the health insurance benefits portion and answered questions from Representatives Austin, Cushing, Cook, Escobar, Rojas and Cobos and Mayor Joe Wardy.

Mr. Dale Denney, Banes General Contractors, Inc.,
 Mr. Jonathan Schwartz, attorney representing Banes General Contractors, Inc.
 Mr. Janie Kollar, representing Jan-Car Incorporated
 Mr. Bob Jarvis, Jan-Car Incorporated

Ms. Terri Cullen-Garney, Deputy City Attorney, recommended that the Council postpone the matter one week to allow the City Attorney's office to address Mr. Schwartz' concerns and gave further legal advice.

Motion made by Representative Cushing to postpone one week. There was no second.

Ms. Elizondo requested that either the Council Members postpone the matter one week or discuss the matter in Executive Session.

Representative Rojas moved to discuss the matter in Executive Session. Representative Cobos seconded.

Mr. Byron Johnson commented and responded to questions from Council Members.

Representative Rojas asked Mr. Johnson whether or not Banes was the Best Value proposal and moved to award the bid to Banes. Representative Cook seconded.

Mr. Johnson explained that at the time proposals were submitted, Banes was the best value proposal.

Representative Cobos withdrew his second to discuss the matter in Executive Session.

Representative Rojas withdrew her motion to discuss the matter in Executive Session.

.....

RESOLUTION

WHEREAS, the City awarded Contract No. 2003-092 to Anna's Cleaning Services, on April 8, 2003, for Janitorial Services for El Paso Police Department, Police Air Support Facility; and

WHEREAS, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C 8A of the Contract (Cancellation for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, that the City Council terminates and that the Director of Purchasing is authorized to notify Anna's Cleaning Services, that Contract No. 2003-092 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses is terminated due to convenience, and that the termination shall be effective as of August 31, 2004.

Mr. Byron Johnson, Director of Purchasing, explained the need to terminate the contract for convenience.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Lozano was not present for the vote.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the request for the Director of Purchasing to reject the bids submitted for Bid No. 2004-210, Recycle Trailers for the Solid Waste Management Department. The Purchasing Department, Solid Waste Management Department, and Fleet Services Department recommend rejecting all bids in order to review the necessity, function, and design of this equipment after the final report from RW Beck is reviewed.

Departments: Solid Waste Department and Fleet Services Department

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week an Ordinance Amending Title 18 (Building and Construction), by creating Chapter 18.11 (Barrier Free Construction), to require Specific Design Features to create barrier-free construction in new Single Family Dwellings, Duplexes, Triplexes, and Townhomes constructed within approved subdivisions. The penalty as being provided in Chapter 1.08.

Representative Lozano was not present for the vote.

ORDINANCE 15844

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND NICOLAS RICH, JR., M.D. AND EDNA RICH, FOR THE SALE OF A PORTION OF LOTS 1 THROUGH 7, AND A CLOSED ALLEY, BLOCK 229, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY.**

Representative Austin explained that the group of physicians would utilize the property as a parking lot.

Representative Cobos asked what the property value was.

Mr. Said Larbi-Cherif, Interim Director of Municipal Services, noted that the property was appraised at \$23,000; however, the City was offered \$24,000.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Rojas and Cobos
NAYS: None Absent: None

Council Members Lozano and Escobar were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cobos, seconded by Representative Rojas and carried to deny the appeal of a Resolution approving Detailed Site Development Plan No. ZON03-00010, for Tract 16A1 and Tract 16A1A, A. F. Miller Survey No. 213, El Paso, El Paso County, Texas (East of Resler Drive and South of Mesa Street), pursuant to a special contract imposed by Ordinance No. 9198. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Hunt Building Corporation and Resler Interstate 10 Development Co., Inc. / Representative: Moreno Cardenas, Inc.; 2505 Missouri Avenue, Suite 100, El Paso, TX 79903. **THIS IS AN APPEAL CASE.**

AYES: Representatives Austin, Cushing, Lozano, Power, Rojas and Cobos
NAYS: Representatives Cook and Escobar

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation regarding the site development plan, explained that the proposed property was approximately 62.31 acres, with 185 proposed single-family residences and noted that the condition on the zoning affected 27.57 of the 62.31 acres. He noted that the CPC (City Plan Commission) had denied the site development plan and answered questions from and responded to comments made by the Council Members.

Mr. Matt Watson, Assistant City Attorney, provided legal advice pertaining to the authority of the City Plan Commission.

Representative Cook stated that he would have like to have had his questions answered in Executive Session; however, asked Mr. Watson whether or not the Council could deny the site development plan based on the following:

1. inadequate egress/ingress;
2. potential for negative impact to the archaeological site; and
3. potential damage to environmentally sensitive Keystone site.

Ms. Lisa A. Elizondo, City Attorney, explained that in order for Mr. Watson to respond to questions of the Council, the Council must approve by a majority vote, waiving the attorney-client privilege.

Mr. Watson responded that he would prefer to answer Representative Cook's questions in Executive Session.

Representative Cushing asked Mr. Watson whether or not the Council must provide reason/s to deny the site development plan.

Mr. Watson responded that there was no specific provision in the Ordinance stating the Council Members must provide a reason.

The following individuals spoke in opposition to the proposed arroyo development:

Mr. Charlie Wakeem, President of the Coronado Neighborhood Association, gave a PowerPoint presentation (on file in the City Clerk's office) and commented on a possible trade land with the Hunt Building Corporation. He insisted that the Council Members and Hunt Building Corporation open dialogue today regarding possibilities of land trades.

Ms. Elizabeth Leal, Realtor, asked that the Council Members do what was morally correct.

The following individuals spoke in favor of the proposed arroyo development:

Mr. Robert Moreno, Moreno Cardenas, Inc. representative, commented on the proposed arroyo development and answered questions from and responded to comments made by the Council Members.

Mr. Dan Chavirra, Hunt Building Corporation representative, commented on reducing the number of single-family residences, the proposed land trade and answered questions from and responded to comments made by the Council Members.

Mr. Frank Ainsa, Jr., attorney representing Hunt Building Corporation and Resler Interstate 10 Development Corporation, proposed a two-week postponement to allow all parties to engage in discussions regarding a proposed land trade. He explained that denying the site development plan would force the applicant to pursue litigation.

Mr. Mark Smith, Hunt Building Corporation representative, explained that Hunt Building Corporation was agreeable to a land trade.

.....
Motion made by Representative Power, seconded by Representative Rojas and unanimously carried to postpone one (1) week *as revised* an Ordinance changing the zoning of a Portion of Tract 1, Section 44, Block 79, Township 2, T & PRRC Surveys, El Paso, El Paso County, Texas (Northwest of the intersection of Pebble Hills and Loop 375) from R-3 (Residential) to C-3 and C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00067. Applicant: River Oaks Properties / Representative: SLI Engineering, Inc., 6600 Westwind, El Paso, TX 79912.

Representative Lozano was not present for the vote.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) recommended rezoning the pieces of the property to C-3 and C-2 respectively, additionally, the applicant must provide a detailed site development plan be required prior to the issuance of building permits and that a 10-foot wide buffer be provided to the area abutting the residential zoning. He noted that there was no opposition to the zoning change request.

Representative Power asked questions of Mr. George Halloul, SLI Engineering, representing River Oaks Properties.

Mr. Halloul clarified that the DCC had recommended C-4 zoning along Loop 375; however, the CPC recommended C-3 zoning on the remaining property.

Representative Power recommended C-3 along Loop 375 and C-2 zoning on the remaining property on the corner of Pebble Hills and moved to approve as recommended by the CPC (City Plan Commission). Representative Rojas seconded.

Mr. Halloul explained that, according to the Texas Department of Transportation, the main lanes of Loop 375 would be in place by 2006 and added that the applicant would not be opposed to restricting the C-4 uses opposed by the Council.

Mr. Valdez requested that the applicant submit the metes and bounds descriptions for the two parcels to be zoned C-3 and C-2, in addition to implementing the 10-foot landscape wide buffer for the area abutting the residential zoning.

Mr. Matt Watson, Assistant City Attorney, commented on the manner in which the item was posted on the agenda and suggested that Council either deny the change in zoning request or postpone the matter one week and allow the applicant to submit the metes and bounds description distinguishing the two parcels.

Representative Power withdrew his motion to approve and moved to postpone one week. Representative Rojas seconded.

Representative Rojas clarified that the zoning change would be C-3 and C-2 as requested by Representative Power.

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Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Tract 17C157, Block 79, Section 8, Township 2, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Joe Battle Boulevard North of Lorenzo Ruiz Avenue) from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Ramon Salais; 12216 Myrna Deckert Drive, El Paso, TX 79936. ZON04-00074.

Representative Lozano was not present for the vote.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had approved C-3 zoning rather than C-4, as requested by the applicant. He noted that there was no opposition to the zoning change request and that the nearest residence was 100 to 150 feet away.

Representative Escobar stated that he did not want the area to be infested with automotive sales lots and asked questions of Mr. Ramon Salais, applicant. He asked Mr. Salais to meet with him to discuss the issue further.

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ORDINANCE 15845

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 44C, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 44C, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended a combination of C-4 and C-2 zoning. He explained that special conditions had been placed on the zoning change request, specifically the submittal of a detailed site development plan and the inclusion of a 10-foot wide landscape buffer for the property abutting the residential area. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Mr. Bradley Roe, representing the applicant, displayed an artist's rendering of the proposed property and expounded on the proposed buildings.

Representative Power commented on the use of flat and clay facades as presented in the artist's rendering.

Mr. Sonny Van Hasselan, developer, explained that he had utilized ideas gathered from the cities of Scottsdale, Arizona and San Diego, California for this project and would build as close to the artist's rendering as possible.

Representative Escobar asked Mr. Van Hasselan when construction would commence.

Mr. Van Hasselan responded within approximately 160 days.

Representative Rojas asked whether or not C-3 zoning would be more appropriate.

Representative Escobar responded that he was confident the developer would not construct anything that would be considered offensive.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Escobar, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Council Member Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15846

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM (TAX RESALE) DEED FOR .046 ACRE, MORE OR LESS, OUT OF LOTS 31 AND 32, BLOCK 7, EAST EL PASO ADDITION, SUPPLEMENTAL MAP #1, AN ADDITION TO THE CITY OF EL PASO, BEING MORE PARTICULARLY DESCRIBED AS EXHIBIT "B" IN VOLUME 1642, PAGE 1276, DEED RECORDS OF EL PASO COUNTY, TEXAS.**

Mr. Jose Padilla, attorney with the law firm of Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, provided explanation pertaining to the struck off property and noted that the property would be placed back on the tax rolls generating tax revenue once again.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ADDITION TO THE AGENDA

Item 1: Resolution that the Ordinance adopted on August 3, 2004 (item #24C) vacating a portion of Pizarro Road adjacent to Lot 9, Block 59 and lot 13, Block 71, Coronado Hills, Unit 6, El Paso, El Paso County, Texas, required the written consent of Resler Interstate 10 Development Company, an abutting property owner, under Section 19.44.010-B of the El Paso City Code; and that City Council take all the necessary steps to enact an amending Ordinance rescinding the vacation of Pizarro Road.

[Frank Ainsa, Jr.]

Motion made by Representative Cobos, seconded by Representative Cushing and carried to delete the following: Resolution that the Ordinance adopted on August 3, 2004 (item #24C) vacating a portion of Pizarro Road adjacent to Lot 9, Block 59 and lot 13, Block 71, Coronado Hills, Unit 6, El Paso, El Paso County, Texas, required the written consent of Resler Interstate 10 Development Company, an abutting property owner, under Section 19.44.010-B of the El Paso City Code; and that City Council take all the necessary steps to enact an amending Ordinance rescinding the vacation of Pizarro Road. [Frank Ainsa, Jr.]

AYES: Representatives Cushing, Cook, Power, Escobar, Rojas, and Cobos

NAYS: Representatives Austin, Lozano

Motion to delete passed.

See discussion on page 3.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the following executive session item:

James Terrell vs. City of El Paso, et al. (551.071)

Representative Lozano was not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to delete the following executive session item:

Resler Interstate 10 Development, Inc. and Hunt Building Company vs. City Plan Commission, Cause No. 2004-3269. (551.071)

Representative Lozano was not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to delete the following executive session item:

Archaeological Site within Resler Canyon Subdivision. (551.071)

Representative Lozano was not present for the vote.

Mr. Bill Addington, El Paso Sierra Club, commented on threats of lawsuits to intimidate Council Members.
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Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

A. Luis L. Maldonado vs. The City of El Paso, et. al. (551.071)
B. Discussion and action on pending claim regarding Alvidrez Associates Inc. (551.071)

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to **HIRE TWO EXPERT WITNESSES** in the case entitled Luis L. Maldonado vs. the City of El Paso, et al., as recommended by the City Attorney's Office.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to retain separate legal representation for Carlos Leon in the case entitled Luis L. Maldonado vs. the City of El Paso, et al., as recommended by the City Attorney's Office.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim entitled **ALVIDREZ ASSOCIATES, INC.**; be **DENIED** as recommended by the City Attorney.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 3:55 p.m.

APPROVED AS TO CONTENT:

36